

## Notice Regarding 2301 Renaissance Boulevard

This Notice is provided pursuant to the Unilateral Administrative Order issued by EPA on April 30, 2001, Docket No.:3-2001-0009 (the "UAO").

Notice is hereby provided to all successors-in-title that 2301 Renaissance Boulevard in Upper Merion Township, designated as Tax Parcel # 58-00-15956-06-9 and further described in the Legal Description attached hereto as Attachment 1 (the "Property"), is part of the Crater Resources Superfund Site (the "Site"). The Property consists of 15.554 acres located within the partially developed 50 acre Site in Upper Merion Township. The Site has been impacted by waste disposal activities associated with an historic coking operation that operated nearby. While no known coking waste disposal activities occurred at the Property, the Property contains a small portion of a former sand and gravel quarry (Quarry 4) which may have been impacted by disposal activities at other quarries at the Site. As such, the Property is currently being remediated by Liberty Property Limited Partnership and Liberty Property Trust (collectively "Liberty") in coordination with the U.S. Environmental Protection Agency ("EPA") so that it may be redeveloped for use as an office park. The cleanup remedy selected for the Site is described in EPA's Record of Decision issued on September 27, 2000. The cleanup is being conducted pursuant to the UAO, which became effective on June 7, 2001 and which directs Liberty and other owners and operators of properties included within the Site to implement the remedy in the ROD. The UAO specifically directs Liberty to implement the soil remedy required for Quarry 4 and the Property. In addition, Liberty must provide access to the Property as needed to implement the remedy and must restrict any use of the Property that would interfere with or adversely affect the remediation. A copy of the access and use restrictions required by the UAO is attached hereto as Attachment 2.

LIBERTY PROPERTY LIMITED PARTNERSHIP

By: Liberty Property Trust, its sole general partner

By: \_\_\_\_\_  
Ward J. Fitzgerald, Senior Vice President

Date: \_\_\_\_\_

Sworn to and subscribed  
before me this \_\_\_\_\_ day  
of, \_\_\_\_\_, 2001

\_\_\_\_\_  
Notary

**VIII. ACCESS TO AND USE OF THE SITE**

A. If the Site, or any other property where access and/or land use restrictions are needed to implement any part of the ROD or this Order, is owned or controlled by any of the Respondents, such Respondents shall:

1. Commencing on the effective date of this Order and thereafter, provide access to EPA, the State, the other Respondents and their respective authorized representatives, employees, agents, consultants, or contractors for the purpose of conducting any activity related to this Order including, but not limited to, the following activities:

- a. Performing and Monitoring the Work;
- b. Verifying any data or information submitted by the Respondents to

EPA or the State;

- c. Conducting investigations relating to contamination at or near the Site;
- d. Obtaining samples;
- e. Assessing the need for, planning, or implementing additional response actions at or near the Site;
- f. Inspecting and copying records, operating logs, contracts, or other documents maintained or generated by Respondents or their agents, consistent with Section XVIII (Access to Information);
- g. Assessing Respondents' compliance with this Order; and
- h. Determining whether the Site or other property is being used in a manner that is prohibited or restricted, or that may need to be prohibited or restricted.

2. Commencing on the effective date of this Order and thereafter, refrain from using the Site, or such other property, in any manner that would interfere with or adversely affect the integrity or protectiveness of the response actions to be implemented pursuant to this Order. In addition, such Respondents shall refrain from using the Site, or such other property, for any purpose which might interfere with, obstruct, or disturb the performance, support, or supervision of the Work, including any Operation and Maintenance activities, taken pursuant to this Order. Unless otherwise required for implementation of the Work under this Order or otherwise determined to be necessary by EPA, such restrictions include, but are not limited to, the following:

- a. There shall be no installation or use of new ground water wells or use of any existing ground water wells;
- b. The land may not be used for any residential purposes; and
- c. There shall be no disturbance of the surface of the land by filling, drilling, excavation, removal of topsoil, rocks or minerals, or change in the topography of the land without at least thirty (30) days prior written approval from EPA.

B. If the Site, or any other property where access and/or land use restrictions are needed to implement this Order, is owned or controlled by persons other than any of the Respondents, Respondents shall use best efforts to secure from such persons:

1. An agreement to provide access thereto for EPA, the Respondents and their respective authorized representatives, employees, agents, consultants, or contractors, for the purpose of conducting any activity related to this Order including, but not limited to, those activities listed in Paragraph VIII.A.1 of this Order;

2. An agreement to abide by the obligations and restrictions established by Paragraph VIII.A.2 of this Order, or that are otherwise necessary to implement, ensure non-interference with, or ensure the protectiveness of the response actions to be performed pursuant to this Order.

If within forty-five (45) days of the effective date of this Order, Respondents have not submitted access and/or land use restriction agreements required by Paragraph VIII.B of this Order, Respondents shall promptly notify EPA in writing and shall include in that notification a summary of the steps that Respondents have taken to attempt to comply with Paragraph VIII.B

of this Order. EPA may, as it deems appropriate, assist Respondents in obtaining access or land use restrictions. As used in this Section, "best efforts" shall include, at a minimum, but shall not be limited to, a certified letter from the Respondents to the owners of property not owned or controlled by the Respondents but to which access and/or land use restrictions are needed to implement this Order requesting:

- a. the agreement required to be obtained pursuant to Paragraph VIII.B.1 of this Order; and
- b. the agreement required to be obtained pursuant to Paragraph VIII.B.2 of this Order.

C. If EPA determines that land use restrictions in the form of state or local laws, regulations, ordinances or other governmental controls beyond those set forth in the ROD are needed to implement the remedy selected in the ROD, ensure the integrity and protectiveness thereof, or ensure non-interference therewith, Respondents shall cooperate with EPA's efforts to secure such governmental controls.

D. Notwithstanding any provision of this Order, EPA retains all of its access authorities and rights, as well as all of its rights to require land use restrictions, including enforcement authorities related thereto, under CERCLA, RCRA and any other applicable statutes or regulations.